

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 27, 1951  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

## Roll Call:

Present: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Absent: None

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

Councilman Johnson moved that the minutes of the previous meeting be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Noes: None

Discussion of the tentative budget was held. The Mayor asked that tentative approval be given today, and final approval the third Thursday in January. Councilman Long submitted a list of recommendations to be considered in amending the Budget. (List on file in City Clerk's Office under "BUDGET - 1952") She reported on a meeting with the Auditors and stated her recommendations were in line with what the Auditors had advised. Councilman Long asked a ruling of the City Attorney regarding the City Charter provision prohibiting Council members and officers of the City from accepting gifts from franchise holders. She stated members of the Council had received fruit cakes from Southern Union Gas Company. Councilman Long wondered why one car would have 32 tires in less than a year's time, and

she thought the Auditors had pointed out some irregularities, and these should be checked into before the Budget was approved. After discussion, Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the General Budget of the City of Austin, Texas, for the year 1952 has been prepared by the City Manager, filed with the City Clerk for public inspection, and presented to the City Council; and

WHEREAS, the public hearing on said budget was held in the City Council Chamber at the City Hall on December 20, 1951, after due notice of said time and place, at which hearing the taxpayers of the City of Austin were given the opportunity to be present and participate in such hearing; and said hearing was finally closed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the General Budget of the City of Austin for the year 1952 be and the same is hereby adopted and the amounts set out respectively in said budget be and the same are hereby respectively appropriated for the respective purposes and out of the funds respectively shown in said budget.

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, Mayor Drake  
Noes: Councilmen Long, White

At the meeting of December 20, 1951, Mr. Roswell Miller pointed out a discrepancy of the property evaluation of the property at 12 Niles Road, belonging to Mr. Fred Sharp. Councilman White stated the Council should commend MR. FRED SHARP for coming in and paying back taxes which he would not have been legally responsible for doing. Councilman Long stated Mr. Sharp knew his taxes were out of line all the time.

Councilman Johnson offered the following resolution and moved its adaption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector of the City of Austin has submitted to the City Council the tax roll and record of the City of Austin for the year 1951; and

WHEREAS, said tax roll appears in all respects to be correct in form, and prior to its submission the valuation of property shown in said roll have been examined and corrected in the manner provided by law and by ordinances of the City of Austin by the Board of Equalization which has made its report, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said tax roll showing a total amount of \$174,987,260.00 valuation of the property assessed for City and School taxes for said year and a total amount of \$5,249,617.80 levied as taxes for City and School purposes for said year, be and the same is hereby approved.

The motion seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake

Noes: Councilman Long

Mayor Drake introduced the following ordinance:

AN ORDINANCE FIXING AND LEVYING MUNICIPAL AND SCHOOL TAXES FOR THE CITY OF AUSTIN, TEXAS, FOR THE YEAR 1951; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. E; Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of the paving lien on Lot 25 and the north 15 feet of Lot 26, Block 5, Forest Hills Resubdivision, in the City of Austin, Travis County, Texas, in consideration of the full payment of such paving assessment against such property by Mrs. Wanda S. Tieken, the apparent owner.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by virtue of an order of sale issued out of the District Court of Travis County, Texas, in Cause No. 47,306 styled City of Austin vs. Lydia Collins, et al, the property hereinafter described was sold for taxes by the Sheriff of Travis County, Texas, to the City of Austin on the 25th day of October, 1930; and

WHEREAS, the taxes on the hereinafter described property, which were involved in the tax suit upon which said sale was based, have been fully paid by the said Lydia Collins to the City of Austin; and

WHEREAS, on March 23, 1935, the City of Austin, acting by and through its City Manager, Guiton Morgan, executed a quitclaim deed of the hereinafter described property to Lydia Collins, and the execution of said quitclaimed deed was not authorized by the City Council; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to execute a quitclaim deed in behalf of the City of Austin quitclaiming to Lydia Collins all the right, title and interest that the City of Austin may have in the following described tract of land;

Lot No. 4, Outlot No. 8, Division "O", and Lot 9, Block No. 2, Outlot No. 22, Division "O", in the City of Austin, Travis County, Texas.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

Mayor Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ESTABLISHING PARKING METER ZONES IN THE CITY OF AUSTIN; AND PROVIDING FOR THE REGULATION OF TRAFFIC THEREBY, WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN AUGUST 19, 1937, AND IS RECORDED IN BOOK "K", PAGES 281-286, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 8(a)1 OF SAID ORDINANCE RELATING TO THIRTY-MINUTE PARKING METERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Noes: None

The ordinance was read the second time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Noes: None

The ordinance was read the third time and Councilman MacCorkle moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Drake introduced the following ordinance:

AN ORDINANCE AUTHORIZING GUY A THOMPSON, TRUSTEE, INTERNATIONAL-GREAT NORTHERN RAILROAD COMPANY, DEBTOR, TO CONSTRUCT, MAINTAIN AND OPERATE A RAILWAY SWITCH TRACK IN, UPON, AND ALONG A PORTION OF WEST FOURTH STREET, IN THE CITY OF AUSTIN, SUBJECT TO CERTAIN CONDITIONS; AND SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ UPON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in PECAN GROVE ROAD, from a point 190 feet west of Bickler Road westerly 50 feet, the centerline of which gas main shall be 9 feet south of and parallel to the north property line of said PECAN GROVE ROAD.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(2) A gas main in SOUTH 3rd STREET, from a point 172 feet north of Cumberland Road northerly 298 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said SOUTH 3rd STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union

Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Johnson, carried by the following vote:  
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Noes: None

The Council heard the following tax appeals from the Board of Equalization:

JOHN C. AYCOCK - Block 61, Original City. The tax on this involved one-half of 1950, and all of 1951. Mr. Aycock felt there was a discrepancy in the valuation as reflected with other property involved in the trade in which he obtained this property from the City. He stated it is valued at present for taxes at \$75,770, whereas the trade was consumated at \$155,000. The property, Lots 7 & 8, Block 98, behind the City Hall was valued at \$37,410. He stated his property was valued at 50% rather than 33 1/3. He mentioned the penalty and interest against his taxes, stating he had had no opportunity earlier than this to come before the Council. The Mayor stated the Council would look at his property, and let him know. He asked that the Tax Assessor give a breakdown on this property as to land and buildings.

ROSWELL MILLER - 1620 North UMBERLAND, his home; and 1626 North UMBERLAND, the property of Mrs. T. A. Caldwell. He stated Mrs. Caldwell's property was assessed at 4.45; his at 3.65. Mrs. Caldwell's valuation will be reduced to \$3.65 this year, but that is not in line with construction located at 3207 Kerby Lane, 3204 Churchill, 3212 Churchill, which is assessed at \$2.25, \$2.45, and \$2.65. Mr. Miller stated in addition to the two pieces of property on North UMBERLAND, he represented property at 2900 Cherry Lane. No assessment had been made of the improvements last year, and it was listed as "new construction". It is a five room house, set at \$3200, and it is going to be appraised at \$3.50. He asked that it not be appraised at that amount, comparing it with six room frame houses with two baths. The Mayor stated the Council would check on all of these and give him an answer as soon as possible.

The matter of appointing a Citizens Committee to study the Charter and proposed amendments was brought up. After much discussion, Councilman MacCorkle

moved that a Committee of 15 be appointed to suggest to the Council such changes as it might deem necessary, and to report to the Council within 90 days after the date of appointment. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long \*, MacCorkle, White, Mayor Drake  
Noes: None

(\* Councilman Long, in her vote made the statement that while it was desirable to have citizens committees to study and work with the Council, she did not think this is the best method in the revision of the Charter, but that she would go along with it.)

The Mayor suggested that the Council submit names next Thursday, and that it attempt to appoint such a Committee.

The City Manager withdrew the resolution authorizing a contract with the AUSTIN METAL & IRON COMPANY (Jim Novy) at this time, stating there were some others who were interested in this, and that there was a possibility that the City could handle this type of operation itself.

Councilman MacCorkle inquired about the park at Wilshire Boulevard. The City Manager reported a survey was being made of the area, and more details would be obtained before a study by the Park Board could be made.

Councilman Johnson suggested that the City Manager go ahead and get more of those enclosed garbage trucks as soon as possible. The City Manager reported five were on order.

Councilman Long asked about the park around the Olive Street School. The City Manager reported it was going to be graded, and the Recreation Department had planned some park equipment there.

Councilman MacCorkle moved that the City Attorney be instructed to draw up an ordinance to set up a separate Tax Department. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Noes: None

The matter of establishing a policy at the City Library regarding its use by the colored people, was brought up for consideration. The Mayor stated that in the Executive Session of the Council, the matter was left on the basis that all citizens of Austin would be permitted to get books, but the reading rooms would not be opened. Councilman Long moved that the City Library be opened to all citizens of Austin. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, MacCorkle, White  
Noes: Councilman Johnson, Mayor Drake

Councilman Johnson made a statement that he was in favor of letting books be taken out, but did not favor the use of the reading rooms.

Councilman White inquired about the kitchen at the Fire Station. The City Manager reported plans had been drawn, and they are being revamped at this time.

There being no further business, the Council adjourned at 12:00 P.M., subject to the call of the Mayor.

APPROVED: W. S. Drake

Mayor

ATTEST:

Elsie Hoosley  
City Clerk